

ASSESSING NEURAL MACHINE TRANSLATION OF COURT DOCUMENTS: A CASE STUDY ON THE TRANSLATION OF A SPANISH REMAND ORDER INTO ENGLISH

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Abstract

The court translation sector is showing considerable growth in demand due to the increasing number of proceedings involving people who do not speak the language used by the authorities, and particularly across the European Union (EU) since the passing of recent legislation that has enshrined the right to translation of essential documents in criminal proceedings (Brannan, 2017). For the translation of legal texts, machine translation (MT) is not viewed with optimism due to its disregard for the purpose and recipient of the translation (e.g., Wiesmann, 2019; Roiss, 2021), despite its potential for saving time and the benefits it offers at the terminological and phraseological levels (Killman, 2014) or at the level of syntax (e.g., Heiss & Soffritti, 2018; Mileto, 2019; Wrede et al., 2020). The aim of this article is to discuss whether translators can benefit from MT when engaging in the challenging yet highly in-demand activity of court translation. This article assesses the quality of English translations of a Spanish remand order produced by three different neural machine translation (NMT) systems (DeepL, eTranslation, and Google Translate), using TAUS evaluation guidelines.

Keywords: neural machine translation; legal translation; court documents; remand order.

AVALUACIÓ DE LA TRADUCCIÓ AUTOMÀTICA NEURONAL DE DOCUMENTS JUDICIALS: ESTUDI DE CAS DE LA TRADUCCIÓ D'UNA ORDRE DE DETENCIÓ PREVENTIVA DEL CASTELLÀ A L'ANGLÈS

Resum

Al sector de la traducció judicial s'està observant un creixement considerable de la demanda a causa de l'augment del nombre de procediments amb persones que no parlen la llengua utilitzada per les autoritats, especialment a la Unió Europea (UE) des que s'ha aprovat la legislació recent que ha consagrat el dret a la traducció de documents essencials en els procediments penals (Brannan, 2017). En el cas de la traducció de textos jurídics, la traducció automàtica (TA) no es veu amb optimisme pel seu menyspreu al propòsit i el destinatari de la traducció (per exemple, Wiesmann, 2019; Roiss, 2021), malgrat el seu potencial per estalviar temps i els avantatges que ofereix pel que fa a la terminologia i la fraseologia (Killman, 2014) o la sintaxi (per exemple, Heiss i Soffritti, 2018; Mileto, 2019; Wrede et al., 2020). L'objectiu d'aquest article és analitzar si els traductors poden aprofitar la TA quan aborden l'activitat exigent però molt demandada de fer traduccions judicials. En aquest article s'avalua la qualitat de les traduccions a l'anglès d'una ordre de detenció preventiva en castellà produïdes per tres sistemes de traducció automàtica neuronal (TAN) diferents (DeepL, eTranslation i Google Translate) seguint les directrius d'avaluació de la TAUS.

Paraules clau: traducció automàtica neuronal; traducció jurídica; documents judicials; ordre de detenció preventiva.

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1 Translation of court documents with an emphasis on Spain

The number of court proceedings involving individuals who do not speak or do not have sufficient proficiency in the language used by the court authorities has been steadily increasing in recent decades worldwide. In turn, this increase has led to a concurrent rise in the demand for court translation and interpreting, especially in criminal proceedings, in which translating and interpreting services play a crucial role in guaranteeing access to fundamental rights such as the right to a fair trial (Ortega Herráez et al., 2013, p. 89). Accordingly, there has been a steady increase in the need to raise awareness “of the importance and utility of high-quality court-related translation services” (Killman, 2021, p. 76).

Nevertheless, the practice of court translation was not being provided consistently or systematically across EU Member States for documents that allowed defendants to fully participate in the proceedings (Brannan, 2017, p. 44). In response, the EU has enacted legislation to reinforce language assistance in courts, especially in the field of criminal proceedings. Hence, EU legislation (e.g., Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010, on the right to interpretation and translation in criminal proceedings) has enshrined the right to translation in criminal proceedings, with specific reference being made to essential documents such as indictments, judgements, and any court decisions that entail depriving a person of their liberty. Emphasis has also been placed on the quality of these translations.

Like all other EU Member States, Spain has transposed this supranational legislation into its national law (Vigier-Moreno, 2020, p. 36). Pursuant to this new Spanish legislation, defendants who neither speak nor understand Spanish or another of the official languages in which proceedings may be conducted are entitled to receive a written translation of the documents that are deemed essential to ensure their right to self-defence in court, with express reference to court decisions involving imprisonment of the defendant, indictments, and judgements. Since passing this legislation, court translation has gained prevalence in criminal proceedings held in Spain and must now be taken into account as an important element of the legal process. In 2021, the cost of translation and interpreting services for legal proceedings totalled more than €9 million (Spanish General Council of the Judiciary, 2021). Previously, the defendant was frequently not provided with written translations of these documents, but rather was informed of their content through sight translation alone, often in a summarised version (Ortega Herráez, 2013, p. 13). However, since this legislative update, the Spanish Supreme Court and the Spanish Criminal National Court (Audiencia Nacional) have already issued rulings on appeals based on the failure to provide a translation of documents such as police reports, lending further evidence of future increases in court translation workload (Izquierdo Valverde, 2016, p. 23).

In both the court translation sector and the legal translation market more generally, translation requests regularly involve tight deadlines and budget constraints (Pasteur, 2013; Killman, 2021). This is particularly the case when translations are needed in the investigative stage¹ of criminal proceedings; clearly defined timeframes for certain judicial procedures can substantially compress the requested turnaround times (Aldea Sánchez et al., 2004). Moreover, many translators providing translations for Spanish courts have to translate in both directions. As a result, court translators who are native speakers of the language used by the court authorities may often have to translate into the other language (Feria García, 1999; Ortega Herráez, 2013; Nauen, 2020), which is generally perceived as more challenging than translating into one’s native tongue (Duběda, 2021).

The majority of court documents requiring translation in Spanish courts are produced by legal professionals (e.g., judges, prosecutors, defence lawyers) and include a good deal of legal terminology and phraseology (Ortega Arjonilla, 2012). These texts also exhibit typical features of legal language, which may involve complex syntax or highly convoluted sentence structures, and may even have faulty or deficient formulations (Ortega Herráez, 2013, p. 19). In light of these challenges, the translation of court texts has been characterised as a challenging undertaking, particularly in terms of legal asymmetry (Prieto Ramos, 2014), since court documents are anchored to the legal system from which they originate and reflect procedural specificities that may not coincide, at the conceptual and terminological level, with the legal system(s) of the target language (Casamayor Maspons, 2020). However, like many other legal genres, court documents tend to follow a

¹ In the specific case of Spain, pre-trial investigative proceedings are carried out by an investigating judge in the *juzgados de instrucción* or investigative criminal courts (Granados Meroño & Orts Llopis, 2021, p. 95).

standard structure, with frozen language and repetitive patterns. These consistent textual features may facilitate the task as court translators become more experienced (Nauen, 2020), and potentially support the use of translation technologies. In the case of translation memories, translators can make use of previously completed translations as they translate similar texts. As far as machine translation (MT) is concerned, translators can make use of translations that MT provides by drawing on similar or related sources of text in its database (see Section 2).

MT is already being used for different purposes in legal settings worldwide, from EU institutions (Biel, 2017) to national police settings (Keaton, 2020). We therefore consider it relevant to assess the quality and usefulness of MT output in the underexplored field of court-related translation assignments. This study investigates whether court translators may benefit in different ways from the use of MT by analysing the quality of the English translations of a Spanish remand order produced by three neural machine translation (NMT) systems (DeepL, eTranslation, and Google Translate) in accordance with TAUS evaluation guidelines. The analysis assesses the raw MT output with an eye to the purpose of the translation of an essential court document, which in the current study is to safeguard due process of the English-speaking person involved in the court proceedings.

2 MT and legal texts

From its beginnings, MT has been studied from different disciplines such as computational linguistics or computer science. Early views of MT sought to completely replace humans with machines (Abaitua Odriozola, 1999), while more recent perspectives seek to reconcile this dichotomy to achieve a balance between the capabilities of the machine and those of the human translator (an overview of this evolution can be found in Alonso Jiménez & Calvo Encinas, 2015).

NMT systems are based on a network structure capable of analysing a sentence and suggesting a translation, using probability criteria based on this analysis (Neubig, 2017). However, in order to increase the probability of achieving an ideal translation, this type of system needs to be trained with new input, and the reference corpus needs to be progressively updated for both source and target languages (Cho et al., 2014). NMT systems are not developed with a set of defined functionalities and instructions, nor are they designed to solve a specific problem mechanically or digitally. In contrast, these systems are developed to enable them to be taught to solve problems on the basis of examples. The results are gradually improved with time and training, and solutions may vary according to different contexts.

In the legal translation context, studies have assessed the quality of several MT systems in different language pairs and ways. Killman (2014) evaluated MT output from Spanish to English in the Spanish judicial context, focusing on a sample of more than 600 terms and phrases from a civil judicial text of judgment summaries from the Spanish Supreme Court. The output provided by Google Translate (GT), at the time a statistical MT system, was assessed as accurate in almost 65% of the sample, which was seen as a positive result in an area where the translation of terminology is often perceived as difficult. Statistical MT errors were especially prevalent at the terminological and phraseological levels in cases that involved lexical ambiguity or needed to be rendered in the target language in a contextually specific way.

Mileto (2019) also observed advantages at the terminological level in her study, in which three different MT engines (MT@E, GT, and SDL Language Cloud) were examined. Specific findings included appropriate translations of collocations and terminological consistency. Wrede et al. (2020) analysed the effectiveness of L2 post-editing (PE) from Slovak into German in the legal field with a case study in which a group of students were asked to compare the quality of a post-edited GT-generated translation with the human translation of the same source text. In a study conducted by Vigier-Moreno and Pérez-Macías (2020), participants were required to complete an assessment of MT quality with and without pre-editing in the case of three different free NMT engines (GT, DeepL, and the EU Council Presidency Translator) translating from Spanish into English, and there was consensus on the usefulness of MT in solving vocabulary and terminology challenges when working into a non-native language. Roiss and Zimmermann González (2020) found that DeepL was a valuable tool for L2 translation, as it offered several translation options for the target text, as well as lexicographical information on the terms in the source language.

In contrast to studies investigating the utility of MT use in legal contexts, Heiss and Soffriti (2018) conducted a study to examine the impact of the use of DeepL on university training in specialised translation from Italian into German. The study addressed three different subject areas (legal texts, university institutional information, and technical instructions), and the results provided by DeepL for each of the texts in these areas were evaluated using BLEU, “an inexpensive automatic evaluation that is quick, language-independent, and correlates highly with human evaluation” (Papineni et al., 2002). Similar scores were obtained for the legal and technical domains, while a significantly lower score was recorded for university institutional information. Wiesmann (2019) set out to assess the level of accuracy of MT for translating legal texts from Italian into German for the purpose of determining to what extent MT should have a place in legal translation pedagogy. The MT engines she assessed were DeepL and MateCat, a CAT tool that, at the time of the study, included DeepL, the NMT version of GT, and Microsoft Translator, which was still a statistical system. Despite finding appropriate or nearly appropriate MT suggestions in her fluency and accuracy assessment of DeepL and MateCat, Wiesmann (2019) concluded that the overall quality was not sufficient to give PE more prominence in the legal translation classroom. Vigier-Moreno and Pérez-Macías (2020) found similar challenges with respect to PE effort in the use of MT.

In its review of the above-cited literature on MT in the legal field, the present study seeks to better understand MT output quality by differentiating four categories (terminology, accuracy, fluency, and style) when MT is used to translate a legal text from Spanish to English. The study also includes an assessment of the severity of the errors detected, which may also improve understanding of the strengths and weaknesses of current NMT engines when applied to legal translation. The types of errors and their severity are particularly salient to this discussion, since results related to these categories can be interpreted in relation to questions of MT quality.

3 Case study: Machine-generated translations into English of a Spanish remand order

This case study evaluates the quality of NMT applied to a specific language combination (Spanish to English) and a specific type of text in the legal field, i.e., a remand order, an essential document in Spanish criminal proceedings. Firstly, following the integrative model put forward by Prieto Ramos (2014), the translation assignment is described to determine the purpose of the translation itself and the specific legal communicative coordinates that allow for adequacy in legal translation problem-solving. Secondly, the source text is analysed from a genre perspective to show the way in which certain textual aspects condition the translation strategy adopted by the translator. There then follows a description of the methodology used in this study and discussion of the results obtained after assessing the quality of different sources of NMT-generated output in accordance with TAUS evaluation guidelines, with an emphasis on elements identified by previous research.

3.1 Characteristics of Spanish remand orders and their translation

Remand orders are essential court documents that serve the specific purpose of implementing a court’s decision to hold a defendant in custody until a trial takes place. Translations of these documents remain an important means by which non-Spanish speaking defendants are enabled to read and understand the text throughout the criminal proceedings. Moreover, translations of these texts enable a defendant to exercise their procedural rights (e.g., self-defence), insofar as they provide sufficient access to these performative texts that figure into the overarching due process and procedural safeguards of the legal system. While translations of these texts are largely informative in nature in that they do not produce the same legal effect as the Spanish language original, nonetheless the translations provide necessary information in the defendant’s language that significantly enhances their understanding of the proceedings.

For the purposes of this case study, the source text is a Spanish *auto de prisión provisional*. For the sake of simplicity, we will refer to this text in English as a *remand (in custody) order*, a legal instrument under English law that can be considered a functional equivalent (Oxford University Press, n.d.). The specific remand order under investigation was retrieved from the public website of the Centre for Judiciary Documentation of the Spanish General Council of the Judiciary,² and is a 2-page, 876-word document (see Appendix³). This text

2 A copy of the remand can be found on the Centre for Judiciary Documentation [website](#).

3 Details (personal, geographical, or otherwise) have been redacted to preserve anonymity.

is relatively short in comparison to other court documents. To our knowledge, remand orders have received scarce attention from translation studies scholars, despite their procedural importance in legal settings.

Previous studies by translation scholars on the umbrella genre *auto* (interlocutory court order) are limited in comparison with, for example, the abundance of translation-specific studies focused on judgements (e.g., McAuliffe, 2013; Orts Llopis, 2017). To our knowledge, only two studies have addressed the translation of Spanish *autos*. Garofalo (2009) studied the translation into Italian of an *auto de procesamiento por delito de robo y agresión sexual* (i.e., an indictment for robbery and sexual assault) and an *auto acordando el sobreseimiento libre por exención de la responsabilidad del procesado* (i.e., an order of dismissal due to exemption of the defendant from criminal liability), while Granados Meroño and Orts Llopis (2021) addressed the translation into English of an *auto de sobreseimiento provisional* (i.e., a provisional order of dismissal) in a political corruption case.

Scholars such as Orts Llopis (2018) and Monzó-Nebot (2020) have articulated the importance of studying legal genres for the purposes of legal translation. By extension, a characterisation of the genre *auto de prisión provisional* provides legal translators with insight into the legal mechanisms and textual features of these documents in this specific communicative situation, assisting them to better adapt their translation to the intended environment. According to Jowers (2016), the term *auto* refers to a specific type of court decision which generally resolves interlocutory issues within court proceedings. As explained by Garofalo (2009) and Granados Meroño and Orts Llopis (2021), all *autos* share a common macrostructure, which consists of the following sections: first, the *encabezamiento* (heading), which presents the parties involved and the object of the proceedings; second, the *antecedentes de hecho* (factual background), which provide a description of the facts and the legal procedures that have taken place thus far; third, the *fundamentos de derecho* (legal grounds), which provide an account of the law that must be applied to make a decision in view of the facts; fourth, the *parte dispositiva* (operative part), which includes the decision on the matter; and fifth, the *diligencia final* (final certification), whereby the court registrar certifies the document.

A macro-contextualisation of our *auto de prisión provisional* can be further elaborated. Defined as “a court decision ordering the precautionary measure of provisional imprisonment” (Real Academia Española, 2022) and regulated under section 502 of the Spanish Code of Criminal Procedure, this document must state the reasons for ordering a measure as exceptional as imprisonment, taking all the factors involved into account (on the one hand, the freedom of a person presumed innocent; and on the other, the administration of criminal justice and prevention of criminal activity). Therefore, remand orders are only produced in the pre-trial stage of criminal proceedings, during which the investigating judges in a case adopt *medidas cautelares* (precautionary measures), such as ordering the defendant to be remanded into custody, to be released with or without bail, or to stay away from the victim or a witness.

Our remand order has the same macrostructure of an *auto* as described above. However, a more thorough analysis leads to the identification of the following elements. First, the heading gives information about the court (*juzgado de instrucción* or investigating court) and its location, the type of proceedings (identified as *diligencias previas*⁴) and the name of the document (*auto*). Second, the factual background section (in our text referred to as *hechos*) comprises two numbered paragraphs. The first of these relates the facts leading to the initiation of the proceedings (according to which the defendant is alleged to have killed a man, taken his belongings, and demanded a ransom from the victim’s family). The second paragraph describes the motion made by the prosecution (that the defendant be remanded into pre-trial custody). Third, the section on the legal grounds (here designated as *razonamientos jurídicos*) consists of three numbered subsections. The first and longest of these subsections refers to the applicable law and requirements for pre-trial custody to be ordered. The second subsection specifies that the requirements are met in this specific case, i.e., that the defendant is believed to be criminally liable for certain offences and that legal procedure has been followed

4 The term *diligencias previas* refers to the proceedings held during the investigative stage of the *procedimientos abreviados* (abbreviated proceedings), a specific type of criminal proceedings established by Spanish law to prosecute offences which may lead to imprisonment sentences of no more than nine years, and is by far the most common in Spanish criminal justice. These pre-trial proceedings are held in the investigating court, whereas the trial takes place in either the *juzgado de lo penal* or criminal trial court (if the penalty sought entails a custodial sentence of less than five years) or in the *audiencia provincial* or provincial court (if the sentence requested by the prosecution involves between five- and nine-years’ imprisonment).

(namely, a hearing of a motion made by the prosecutor). Finally, the third subsection sets forth that it is appropriate for the judge to order that the defendant be remanded into custody and specifies the conditions of such imprisonment. Finally, the *parte dispositiva* describes the judge's main decision regarding custody and other measures, followed by the court registrar's certification.

A micro-textual analysis of our remand order reveals typical features of Spanish legal discourse (Alcaraz Varó et al., 2009, pp. 24–32), such as the use of grandiloquent and very formal language, seldom-used verb tenses (e.g., passive imperatives like *librese*), prepositional phrases (e.g., *conforme a lo dispuesto en*), convoluted syntax (one-sentence paragraphs), abuse of the gerund (e.g., *quitándole acto seguido sus pertenencias*), and frozen language (e.g., *así lo acuerda, manda y firma*). At the lexical and terminological level, there is “a spectrum ranging from near-zero difficulty, for the terms that have the ‘exact’ legal/linguistic correspondence in the source and target legal systems, to near ‘untranslatability’, for those terms that are so specific” (Scarpa et al., 2014, p. 68). In other words, not only does the text feature a number of legal terms that can be more or less easily replaced in the target text with functionally-equivalent counterparts (e.g., *audiencia*, *delito*, *prisión* and *pena*), but also Spanish legal system-bound terms (e.g., names of courts like *Audiencia Provincial*, legal professions like *Letrado de la Administración de Justicia*) the translation of which relies on an approach based on the communicative situation (Prieto Ramos, 2014).

A pre-translation analysis enables the translator to make translation decisions that will help them achieve their translation objective more successfully. For instance, a recipient-oriented approach to translation aids the translator in choosing how to render specific textual elements in translation. As Chromá (2016, p. 78) remarks, “if it is clear that the translated text is to be used by a recipient in a particular (English-speaking) country, the translator may choose a relevant variety of legal English at least by selecting proper legal terminology used in the translation” (Chromá, 2016, p. 78). In the specific case treated in the present case study (see Appendix), information related to the defendant shows that English is spoken in his country of origin, chiefly as a lingua franca. As such, translation decisions will likely be guided by the possibility that English is used by the defendant as a lingua franca and, consequently, a variety of English that is widely understood would be appropriate. This decision will also likely take into account the fact that the defendant is not a legal professional; as far as possible, therefore, the translator will need to render the Spanish text into an English version capable of being understood by English speakers from a range of backgrounds.

The above recommendation follows the same approach used to translate Spanish indictments in an earlier study (Vigier-Moreno, 2020), namely, to produce a target text in a variety of English that is as universal as possible and not tied to any specific English-speaking legal system. The writing style, while technically precise, remains concise, grammatically correct, and attentive to the needs of the reader. Furthermore, since the main purpose is that of properly informing the defendant “of the content and sense of the source legal text” (Chromá, 2016, p. 79) rather than creating a document with the same legal force as the original, translation techniques that aid the recipient to understand the Spanish legal system are likely to be of use.

Automated approaches to translation fail to take into consideration these aspects (i.e., a recipient-oriented, functionalist approach), despite their importance in legal translation decision-making, as has been discussed (Wiesmann, 2019; Roiss, 2021). With this in mind, we assessed the quality of output generated by NMT engines of the Spanish remand order to determine whether translations generated by current neural MT systems are of limited utility for court translators, or whether, on the contrary, court translators can benefit from the use of MT in their professional practice.

3.2 Methodology

We conducted an exploratory-descriptive study to determine whether translators can benefit from raw NMT output when translating a complicated court document from Spanish to English. This study focuses on the divergent approaches adopted by human and machine translation. On the one hand, professional translators are likely to make macro-level decisions based on situational aspects of the translation assignment while, on the other, MT systems generate translations based on sources of co-text. In this article, therefore, we assess English translations of a Spanish remand order obtained from three MT systems (DeepL, eTranslation, and GT) to test the effectiveness of MT in this field. The quality of the output from these systems was analysed

using TAUS evaluation guidelines – criteria developed to examine MT systems – while also taking into account the purpose of the translation. At this point, ethical questions arise as to whether this type of text should be translated using MT engines, since the content of the documents will be shared with the MT providers, which will subsequently use that data input to train and improve their engines. However, not only is our remand order available online for anyone to read, it was also edited before being machine-translated (all personal details contained in the remand order were replaced with fictitious ones and then redacted from the Appendix) to preserve the confidentiality of the case.

3.2.1 Selected NMT engines

The present study involves GT and DeepL NMT engines. In 2006, GT was initially launched as a statistical system. At the end of 2016, GT was transformed into an NMT engine that currently offers more than 100 different languages and is used by over 500 million people a day (Sommerlad, 2021). DeepL, also a general purpose, free online system, was launched in 2017 and currently offers translations for 24 different languages, including the option to select American or British English. The third MT system in this study is eTranslation, an NMT system provided by the European Commission since 2017, when the EC retired their statistical system MT@EC. eTranslation was created for staff and translators working for EU institutions or agencies and can also be used by small and medium-sized enterprises and universities in the EU, Iceland, and Norway (European Commission, 2021). This NMT engine draws on Euramis (European advanced multilingual information system), a multilingual corpus including aligned legislative documents in the 24 languages (European Commission, 2021). For this reason, eTranslation could initially be expected to produce more favourable results, as it is mainly based on multilingual EU administrative and legal documents and could therefore be considered more legal-specific than the two other open-domain systems in this study, i.e., GT and DeepL.

3.2.2 MT output error categorisation

Once the different outputs were generated for each of the selected NMT engines in April 2021, the quality of output from these systems was evaluated according to TAUS guidelines (TAUS, 2021), which include the error types shown in Table 1. For considerations of space, only the types of errors found in the output generated by the NMT engines used in this study are listed.

Each of the errors detected in the texts generated by the MT engines was assigned a severity level. For the sake of simplicity, the levels proposed by TAUS were simplified into *major* and *minor*. Minor errors are those that affect stylistic quality, fluency or clarity, but do not detract from the meaning; while major errors may confuse or mislead the user, or hinder the appropriate use of the translation by involving a significant change in meaning or occurring in a visible or important part of the content (TAUS, 2021).

3.3 Results

Table 1 summarises the analysis conducted on the raw MT output generated by each of the engines. The most prominent errors identified in the translations generated by the MT engines relate to (1) terminology, an error category assigned to instances in which “a term (a domain-specific word) is translated with a term other than the one expected for the domain”; and (2) accuracy, which occurs when “the target text does not accurately reflect the source text” (TAUS, 2021). Other errors were identified with respect to accuracy, fluency, and style, but for considerations of space, these terminological issues will be the primary focus of our discussion.

Table 1. Errors according to typology and severity

Error type	DeepLAmEn (927 words)	DeepLBrEn (916 words)	eTranslation (880 words)	GT (899 words)
Accuracy (total)	8	10	29	21
Omissions	1	3	3	1
Mistranslations	5	4	23	15

Error type	DeepLAmEn (927 words)	DeepLBrEn (916 words)	eTranslation (880 words)	GT (899 words)
Over-translations	1	1	1	1
Under-translations	1	1	1	4
Untranslated	-	1	1	-
Fluency (total)	8	8	7	9
Punctuation	3	3	2	4
Spelling	2	2	-	1
Grammar	1	1	4	2
Inconsistency	2	2	1	2
Terminology (total)	21	25	30	35
Inconsistent use of terminology	2	3	2	5
Style (total)	-	1	5	7
Inconsistent style	-	-	3	-
Unidiomatic	-	1	2	7
TOTAL ERRORS	37	44	71	72
SEVERITY COUNT	15 minor/ 22 major	16 minor/ 28 major	27 minor/ 44 major	34 minor/ 38 major

The translation of legal system-bound terms presents a challenge for generalist NMT systems, since extralinguistic context is beyond the purview of natural language processing with computers. (N)MT systems therefore cannot be expected to take into account aspects such as the purpose or the recipient of the translation (Killman, 2015). Our study corroborates this understanding insofar as the output generated by the NMT engines sometimes provided unsuccessful translation options into English for Spanish legal system-bound terms. Table 2 illustrates the translations produced for some of the names of courts, court staff, and legislation pieces found in the source text; where the NMT system offered multiple translations in the target language version for a given unit of the source term at different places in the text, the various translations are shown separated by a slash. The primary issue with the translations provided by the MT engines was that they tended to offer over-literal options including calques and false cognates, which could in turn lead to changes in meaning or even nonsensical output.

Table 2. English translations of Spanish legal system-bound terms

Source Text	DeepLAmEn	DeepLBrEn	eTranslation	GT
<i>Código Penal</i>	Criminal Code / Penal Code	Criminal Code / Penal Code	Criminal Code	Penal Code
<i>Juzgado de instrucción</i>	Court of Instruction	Court of Instruction / Examining Magistrate's Court	Court of Inquiry / Court of Investigation	Instruction Court / Court of Instruction
<i>Letrado de la Administración de Justicia</i>	Counsel for the Administration of Justice	Counsel for the Administration of Justice	Counsel for the Administration of Justice	Letter for the Administration of Justice
<i>Magistrado-Juez</i>	Magistrate-Judge	Magistrate-Judge	Magistrate-Judge	Magistrate-Judge
<i>Ministerio Fiscal</i>	Public Prosecutor's Office	Public Prosecutor's Office	Public Prosecutor's Office / Ministry	Public Prosecutor's Office / Public Prosecutor

For example, the terms *juzgado de instrucción*, *magistrado*, *letrado de la Administración de Justicia* and *ministerio fiscal* give rise to some interesting inadequacies in the output. As described previously, the *juzgado de instrucción* is characteristic of the Spanish criminal court system in that it undertakes pre-trial investigations;

hence, the calque translations *court of instruction* and *instruction court* and *court of inquiry*⁵ are likely to confuse the reader as to the role and functions of the Spanish court. *Examining Magistrate’s Court* may work from a functional perspective, but the differences between a magistrates’ court and a *juzgado de instrucción* are so great (e.g., in England, a magistrates’ court is normally made up of three lay people who are neither legally qualified nor remunerated) that it is not advisable to use this term; *court of investigation* seems to be a more adequate solution. Another issue is that two engines (DeepLBrEn and eTranslation) offered different English translations of this Spanish court within the same text, which could potentially cause confusion.

As far as the names of judicial actors are concerned, the Spanish term *magistrado-juez* refers to a member of the judiciary with a higher rank than that of *juez* (Real Academia Española, 2022) who sits on a single-judge court rather than on a panel, as *magistrados* would usually do; therefore, the calque translation offered by all four MT engines (*magistrate-judge*) can convey a different meaning, since *magistrate* in many English-speaking systems refers to a judicial officer with limited jurisdiction in minor criminal cases and sometimes without a legal qualification. As for the term *Letrado de la Administración de Justicia*, both DeepL and eTranslation offered *Counsel for the Administration of Justice*, a calque translation that still conveys accurate meaning, though a more fluent and functional rendition, given its marginal significance in the source text, would be *registrar* or *court clerk*. The term *Ministerio Fiscal* was mainly translated as *Public Prosecutor’s Office*, even though the term in Spanish is used metonymically in some parts of the text and may more appropriately have been translated as *Public Prosecutor* or *Public Prosecution*. Regarding the translation of the names of legislative texts, the English translations do not present problems in terms of adequacy or accuracy, but they are used inconsistently within the text, and this may degrade the overall quality of the translation.

Other salient inadequate translations generated by the MT engines relate to legal terms that initially might appear to have a more straightforward functional translation in the target language. However, some of these terms are highly significant to the case in hand and have nuances that are deeply rooted in the Spanish legal system. Consequently, the rendering of these terms in another language requires the translator to conduct in-depth legal comparative analyses to ascertain whether the differences in concepts between the two languages and legal systems are not decisive and functional equivalents can be used. If differences are identified, “the use of presumed equivalents is risky, as it can trigger erroneous associations and interpretations” (Fuglinszky & Somssich, 2020, p. 754). In light of the translations offered for some of these key legal terms (see Table 3), the systems once again seem to adopt an over-literal approach to translation, which may entail serious changes in meaning.

Table 3. Translation of key Spanish legal terms without a straightforward functional equivalent

Source Text	DeepLAmEn	DeepLBrEn	eTranslation	GT
<i>auto</i>	auto	order	car	car
<i>auto de prisión</i>	prison order	prison sentence	prison order	arrest warrant
<i>detención ilegal</i>	illegal detention	illegal detention	illegal detention	illegal detention
<i>investigado</i>	the accused / defendant / investigated person / person under investigation / the investigated	the accused / person under investigation	the accused / the accused person / investigator / the person investigated / the person under investigation / the investigated person	the accused / person under investigation / the investigated person / the investigated
<i>prisión provisional</i>	provisional imprisonment	provisional detention	pretrial detention / arrest	provisional imprisonment / provisional detention

⁵ [Court of inquiry](#) is defined as “a group of people who are officially appointed to investigate a serious accident or incident, or an official investigation into a serious accident or incident”.

Source Text	DeepLAmEn	DeepLBrEn	eTranslation	GT
<i>prisión provisional comunicada y sin fianza</i>	provisional imprisonment without bail / provisional commanded prison without bond	provisional detention without bail / provisional commanded prison without bond	provisional detention communicated and without bail / provisional communcial prition and without fiance	provisional imprisonment communicated and without bail / provisional prison communicated and without bond

For instance, *investigado*, which literally translates as the investigated man, in our text refers to the person being charged. Translations in our results include both *the accused* and *the person under investigation*, among others. However, the translator must take into account the fact that, under Spanish procedural law, a person charged in a criminal case is referred to as either *investigado* or *acusado* (among other designations) according to the stage and type of court proceedings. The term *investigado* is used in our remand order because the judge has commenced court proceedings against him and there is enough preliminary evidence to warrant continuing the investigation. However, this designation will change if a formal indictment is issued against the defendant later in the proceedings, such that he eventually stands open trial; at this stage the defendant would be referred to as *el acusado*. From a procedural standpoint, it is therefore important that the translator be aware of how *investigado* or *acusado* is being used to be able to translate these terms in a contextually appropriate way. Other translations in our sample include *defendant* (an adequate functional equivalent) and *investigator* (an obvious mistranslation).

As explained in Section 3.1, an *auto* is an interlocutory court order and, more specifically, an *auto de prisión provisional* (provisional) is the document ruling that the defendant be remanded into (pre-trial) custody. The translations offered by the MT engines vary considerably in the first case, from *order*, an acceptable rendition, to the contextually inappropriate *car*. In the case of *auto de prisión*, *prison sentence* (DeepLBr) and *arrest warrant* (GT) – both completely different concepts – are provided. Something similar occurs with the Spanish term *prisión provisional*, a crucial concept in the context of our case study. This term is conveyed into English through options such as *provisional imprisonment*, *provisional detention*, and *arrest*, some of them offered as alternatives within the English translation by the same NMT system. In English law, *detention*, for example, refers to the deprivation of liberty of a person subsequent to arrest, and may normally last up to 36 hours (Oxford University Press, n.d.). This English term would more accurately convey the Spanish term *detención*, which also refers to the deprivation of liberty of an arrested person, and hence should not be used as an expression of the term *prisión provisional* (see Section 3.1). Furthermore, in our document, the specific type of pre-trial custody that the judge imposes on the defendant is *prisión provisional comunicada sin fianza*, that is, the defendant will be remanded into custody (*prisión*) pending trial (*provisional*) without bail (*sin fianza*). Notwithstanding, the defendant will be entitled to visitation and communication (*comunicada*) by phone or through written correspondence with their defence attorney, a minister of their religion, a physician, and relatives, among others. As shown in Table 3, the resulting translation options include mistranslations (e.g., *commanded*), calques (e.g., *communicated*), and nonsense (e.g., *communcial*).

Finally, some of the terminological errors are nuanced. For example, the literal translation of *detención ilegal* as *illegal detention*, which was offered by all four NMT systems, has a different context of use. According to the Spanish Criminal Code, *detención ilegal* is defined as illegally locking up or detaining someone, thus depriving them of their liberty; in our remand order, the term applies to the allegation that the defendant restricted the victim’s freedom of movement. However, in the English-speaking legal domain, *illegal detention* is normally used to describe a situation in which a law enforcement officer restricts a person’s freedom to leave without legal justification (USLegal, n.d.). Bearing in mind that the defendant is not a member of law enforcement, a more appropriate rendition would be a generic term such as *deprivation of liberty*, or a more common legal term such as *kidnapping*.⁶

⁶ Under English law, *kidnapping* is defined as “carrying a person away, without his consent, by means of force, threats, or fraud” (Oxford University Press, n.d.).

We also identified accuracy errors, which, according to TAUS and as previously described, occur when translation options distort source text meaning. However, the distribution of these is very uneven, depending on the MT engine. The most noticeable errors in this category include mistranslations caused by the use of *false friends*. For example, *resolución* was translated as *resolution* and not as *decision* or *ruling*; *asistencia* was translated into English as *assistance*, when *attendance* or *presence* would have been the more appropriate translation; the verb *acordar*, which in Spanish legal discourse means *to dictate* or *rule*, was translated as *agree*, according to its most frequent meaning in Spanish; *partido*, which refers to *partido judicial* (judicial district), was translated by GT as *party* in the political sense. Other errors of accuracy include severe errors in meaning and non-sensical renderings in the target text. For example, *indiciariamente*, which means *according to preliminary evidence*, was variously translated as *indiciously* (in both DeepL versions), *evidently* (eTranslation), and *incidentally* (GT). The expression *doy fe*, which is used in Spanish legal language in attestation or certification clauses, was translated as *doy faith* and *I give faith* (eTranslation). Another example of an inaccuracy error at the syntactic/sentential level is the translation provided by eTranslation (*by means of which the Ministry has been held, and that the Ministry has been held for the purpose of the arrest of the Ministry*) for the Spanish *en concreto la ocupación de los efectos sustraídos, el registro del lugar que habitaba, las llamadas exigiendo un rescate y lo declarado por el propio investigado*, which introduces grammatical incongruence and distorts the various relationships between various clauses established in the source language text.

Despite these terminological and accuracy errors, the MT-generated translations, surprisingly, produced a much lower number of fluency and style errors (see Table 1). Whereas terminological and accuracy errors totalled 29, 35, 59, and 56 in the analysis of the translations generated by DeepLAmEn, DeepLBrEn, eTranslation and GT, both fluency and style errors in aggregate added up to only 8, 9, 12, and 16 respectively. This is exemplified in the Spanish sentence shown below, followed by translations from DeepL, eTranslation, and GT:

Conforme a lo dispuesto en los artículos 503 y 505 de la Ley de Enjuiciamiento Criminal para que proceda la prisión provisional se requiere: (source text)

In accordance with the provisions of articles 503 and 505 of the Criminal Procedure Law, in order to proceed with the provisional imprisonment it is required: (DeepLAmEn)

In accordance with the provisions of articles 503 and 505 of the Law of Criminal Procedure, in order for provisional detention to proceed, the following is required: (DeepLBrEn)

Pursuant to articles 503 and 505 of the Criminal Procedure Act, in order for pretrial detention to proceed, the following are required: (eTranslation)

In accordance with the provisions of articles 503 and 505 of the Criminal Procedure Law, for provisional detention to proceed, the following is required: (GT)

Despite faulty punctuation (i.e., missing punctuation after *Criminal*) and the unnatural word order (i.e., anteposition of the prepositional phrase and placing of the subordinate clause before the main clause) in the source text, the sentence was adequately rendered into English by the NMT systems in our study. Furthermore, this example also shows that NMT systems can successfully address the translation of frozen patterns that are common in legal discourse, such as the Spanish preposition-based bundle *conforme a lo dispuesto en*, which was conveyed as *in accordance with* (DeepL and GT) and *pursuant to* (eTranslation). The repetitive nature of legalese therefore seems to confirm the potential benefits of MT in legal translation.

In terms of fluency, errors primarily included cases of poor punctuation (e.g., lack of commas), incorrect or inconsistent spelling (*Cordova/Córdoba* – GT), poor collocations (e.g., *parties involved of this order* – DeepLBrEn), and syntactic and prepositional calquing (*hold criminally responsible for the said crime to* [name redacted] – eTranslation). As for style, the errors we identified mostly demonstrated a lack of idiomaticity in the English translation, e.g., *where he hit him on the head with a wood* (DeepLBrEn) and *where he hit him with a wood on the head* (DeepLAmEn).

It must also be acknowledged that certain translation options for very obscure and convoluted Spanish legal expressions were surprisingly accurate. Such is the case for the fossilised language *dedúzcase testimonio de esta resolución*. This expression, which refers to the inclusion of a certified copy of the court order in the file, can be difficult to grasp for translators without a sound legal background or relevant experience in the field, especially in the imperative passive form used in our text. However, it was translated as *a copy of this order shall be drawn up* by DeepLBrEn, *a copy of this resolution shall be drawn up* by DeepLAmEn and *bear witness to this resolution* by eTranslation, all of which convey the sentiment of the source language formulation. All these examples show how systems draw on corpora and attempt a phrase-based or even sentential approach with different degrees of statistical accuracy.

Finally, in light of our assessment of the output produced by each NMT engine used in this study, an interesting phenomenon has been observed with respect to the comparison between the two generalist systems used (DeepL and GT) and the more domain-specific eTranslation (mostly fed with multilingual EU legislative corpora). Contrary to expectation, eTranslation was not found to convey legal terminology more accurately than GT or DeepL, and in fact scored lower in terms of terminology and accuracy.

4 Conclusions

Our TAUS-informed quality analysis of four NMT-produced English translations of a Spanish remand order was conducted according to four broad categories: accuracy, fluency, terminology, and style. As the results indicate, there were considerably more errors of terminology and accuracy than fluency and style, regardless of the MT system. Such a result is consistent with MT quality findings in previous studies (e.g., Heiss & Soffriti, 2018; Mileto, 2019; Wiesmann, 2019; Wrede et. al., 2019).

More specifically, the greatest number of errors pertained to terminology. A number of translations offered by the NMT systems under study were too literal and ultimately did not encapsulate the meaning of the source text. This is the case for English translations of Spanish legal system-bound terms, such as names of courts and legal professionals (e.g., *Court of Instruction* for *Juzgado de Instrucción* and *Letter for the Administration of Justice* for *Letrado de la Administración de Justicia*), as well as legal terms highly specific to Spanish criminal law and procedure (e.g., *el investigado* being translated as *the accused* and *prisión provisional comunicada y sin fianza* being conveyed as *provisional prison communicated and without bond*). These findings corroborate previous results concerning MT and legal terminology (e.g., Killman, 2014; Wiesmann, 2019; Roiss & Zimmermann González, 2020; Roiss, 2021), as current MT engines provide translation options that are not always contextually appropriate. In some respects, this may be due to the general nature of the MT systems involved in the study; however, even the domain-specific MT system ran afoul of these errors in some instances. These terminological errors also manifest across the entirety of the text, insofar as the NMT systems are not always consistent in their translation of a specific term, instead offering different options for the same source text unit.

In many cases, accuracy errors in which the options offered by the NMT systems deviate from the source text meaning correspond primarily to legal *false friends* (e.g., *resolution* for *resolución* and *party* for *partido*), calques (e.g., *I give faith* for *doy fe*) and other nonsensical renderings (e.g., *indiciously* for *indiciariamente*). Notwithstanding these terminological issues, our analysis of the NMT-generated output found that NMT systems were largely successful in generating text that was appropriate with respect to fluency and style. In fact, adequate solutions were provided for frozen language patterns and even for convoluted, obscure legal phraseological units (see the above discussion on the English translation of *dedúzcase testimonio de esta resolución*), which speaks to the utility of MT in the legal domain due to the repetitiveness of legal discourse.

The results of our study reveal how MT systems, which draw on corpora and attempt a phrase-based or even sentential approach to their output, are successful to varying degrees of accuracy. As far as legal terminology is concerned, the NMT systems under scrutiny in this study still present major limitations in that they offer literal translation options which are either ill-suited to the purpose of the translation or fail to render the specificities of the source legal system that are often implicit in legal terms, and which need to be made explicit or expanded upon when the translation is intended for informative purposes that do not necessarily mirror

the context in which the original text was produced (Fuglinskzy & Somssich, 2020). Conversely, in terms of fluency and style, the machine-generated translations analysed in our study presented adequate solutions with respect to grammar, style, and idiomaticity. As such, MT systems may be useful to translators as a reference when translating legal texts out of their mother tongue into another language. Since grammar and style are generally “the two main factors that disclose the non-nativeness of the translator” (Duběda, 2021, p. 224), the use of NMT may clearly help the legal translator meet this challenge and produce a more adequate text in the target language in terms of fluency and style.

The steady increase in the need to translate texts under tight deadlines and subject to budget constraints, thus with a greater emphasis on speed, is bolstering the use of technology-based translation tools in the legal domain. Given their ready availability, the use of NMT engines in legal translation merits further research into the associated benefits and shortcomings, taking into account other genres, communicative situations, and language combinations. Moving forward, additional research needs to address the ways in which legal translators can take advantage of NMT output and measure the effort required to post-edit NMT-generated texts in the legal domain. In a similar vein, the impact of pre-editing on legal texts prior to translation using MT systems would elucidate whether the findings presented in this article are replicated when a text has been prepared for this type of translation. The question also arises as to how detection of the most common errors and their severity, such as those documented in the present case study, could be integrated by the developers of proprietary MT engines with the aim of improving MT systems, thereby obtaining higher quality output. While these results are not as easily incorporated into freely available NMT engines such as DeepL, newer features of these NMT systems, which allow the creation of a glossary to improve the adequacy and cohesion of terminology, may provide a means by which these case study findings can support system development. It would therefore be relevant to re-assess this type of text in the future to determine whether the quality of the translations generated by these systems improves over time with the incorporation of feedback and additional data. Hence, the adopted approach to analysis adopted in this case study may serve as a useful means by which to examine the use of NMT systems in legal settings over time and enable critical reflection on their utility and their shortcomings.

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6 Appendix (Spanish remand order)

JUZGADO DE INSTRUCCIÓN N°3

C/Isla Mallorca, s/n

Córdoba

Teléfono: 957745084

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Procedimiento: DILIGENCIAS PREVIAS

N° Procedimiento: 000456/2018

AUTO

En Córdoba, a 17 de junio de 2018.

HECHOS

PRIMERO.- De lo actuado resulta indiciariamente acreditado a los efectos de esta Resolución que durante la noche de los días 13 a 14 de junio de 2018, [name redacted], de nacionalidad [nationality redacted], llevó a Juan Fernández Gómez hasta la zona denominada Las Cañadas, en el término municipal de Córdoba, donde le golpeó con un madero en la cabeza causándole una fractura de cráneo que acabaría produciéndole la muerte, quitándole acto seguido sus pertenencias y utilizando el teléfono móvil de la víctima para exigir un rescate a su familia.

SEGUNDO.- En la audiencia prevista en el artículo 505 de la Ley de Enjuiciamiento Criminal el Ministerio Fiscal ha solicitado la prisión provisional.

RAZONAMIENTOS JURÍDICOS

PRIMERO.- Conforme a lo dispuesto en los artículos 503 y 505 de la Ley de Enjuiciamiento Criminal para que proceda la prisión provisional se requiere:

- 1.1.1) Que conste en la causa la existencia de un hecho que tenga caracteres de delito.
- 1.1.2) Que este tenga señalada pena igual o superior a dos años de prisión, o que, teniéndola inferior se considere procedente en atención a los antecedentes penales del inculgado.
- 1.1.3) Que existan motivos bastantes para estimar responsable criminalmente a la persona contra la que se haya de dictar el auto de prisión.
- 1.1.4) Que se haya celebrado la audiencia prevista en el artículo 505 de la Ley de Enjuiciamiento Criminal, con asistencia del investigado y del Ministerio Fiscal.
- 1.1.5) Que la prisión haya sido solicitada por el Ministerio Fiscal o parte acusadora.

Mediante la prisión provisional se persigue algunos de los siguientes fines:

- 1.2.1) Asegurar la presencia del investigado en el proceso cuando pueda inferirse racionalmente un riesgo de fuga. Para valorar la existencia de este peligro se atenderá conjuntamente a la naturaleza del

hecho, a la gravedad de la pena que pudiera imponerse al investigado, a la situación familiar, laboral y económica de este, así como a la inminencia de la celebración del juicio oral.

1.2.2) Evitar la ocultación, alteración o destrucción de las fuentes de prueba relevantes para el enjuiciamiento en los casos en que exista un peligro fundado y concreto. Para valorar la existencia de este peligro se atenderá a la capacidad del investigado para acceder por sí o a través de terceros a las fuentes de prueba o para influir sobre otros investigados o encausados, testigos o peritos o quienes pudieran serlo.

1.2.3) Evitar que el investigado pueda actuar contra bienes jurídicos de la víctima, especialmente cuando esta sea alguna de las personas a las que se refiere el artículo 173.2 del Código Penal.

1.2.4) Evitar el riesgo de que el investigado cometa otros hechos delictivos. Para valorar la existencia de este riesgo se atenderá a las circunstancias del hecho, así como a la gravedad de los delitos que se pudieran cometer.

SEGUNDO.- En el presente caso concurren todos los requisitos mencionados por cuanto del relato de Hechos expuesto en los de esta Resolución y de lo actuado hasta ahora en la causa se desprende la existencia de delitos de homicidio, detención ilegal y robo con violencia a los que el Código Penal en sus artículos 138 y 139, 183 y siguientes y 237 y 242 señala pena superior a dos años, existen en la causa méritos bastantes para estimar responsable criminalmente de dicho delito a [name redacted] (en concreto la ocupación de los efectos sustraídos, el registro del lugar que habitaba, las llamadas exigiendo un rescate y lo declarado por el propio investigado), se ha celebrado la audiencia que exige la Ley y por último la prisión provisional ha sido solicitada por el Ministerio Fiscal.

TERCERO.- Por lo expuesto procede decretar la prisión provisional comunicada y sin fianza por esta causa de [name redacted], teniendo en cuenta la gravedad de los hechos, los bienes personales en juego, la necesidad de asegurar la instrucción así como las elevadas posibilidades de eludir la acción de la justicia ante la gravedad de las penas que en su día pudieran imponerse y la falta de un domicilio fiable.

PARTE DISPOSITIVA

Se decreta por esta causa la PRISIÓN PROVISIONAL COMUNICADA Y SIN FIANZA DE [name redacted].

Para llevarla a efecto librese mandamiento al Director del Centro Penitenciario que en Resolución aparte se determinará y oficio a la fuerza policial actuante.

Dedúzcase testimonio de esta Resolución para formar la correspondiente pieza de situación personal.

Notifíquese este Auto al Ministerio Fiscal, al investigado y a las demás partes personadas haciéndoles saber que no es firme y que contra el mismo cabe recurso de reforma por escrito presentado en este juzgado en el plazo de tres días y subsidiariamente recurso de apelación para ante la Audiencia Provincial de Córdoba que también puede interponerse directamente en el plazo de cinco días.

Así lo acuerda, manda y firma D. FERNANDO DE MERA RODRÍGUEZ, Magistrado-Juez del Juzgado de Instrucción número 3 de Córdoba y su partido.- Doy fe.

DILIGENCIA.- Seguidamente se cumple lo acordado, doy fe.

LETRADO DE LA ADMINISTRACIÓN DE JUSTICIA